

ATTORNEY QUESTIONS RIGHTS OF LANDOWNERS BEFORE HEARING ON MONTANA-ALBERTA TIE LINE

By Karl Puckett

A Lethbridge, Alberta, attorney questioned Friday whether his landowner clients will get a fair shake at an upcoming hearing before the Alberta Energy and Utilities Board on the Montana Alberta Tie Line.

The 203-mile, 230-kilovolt transmission line would connect the electrical grids at Great Falls and Lethbridge. The EUB is scheduled to begin up to three weeks of hearings on the Alberta portion of the line on Oct. 16.

Ken Stenbeck raised the questions in a letter to the EUB, and later to the press, in light of an EUB decision Monday to void hearings it conducted on a different transmission project, a 500-kilovolt transmission line proposed between Edmonton and Calgary.

The decision was made, in part, because of the perception of bias in the decision-making process after it was disclosed that the EUB had hired private investigators to spy on opponents of the 500-kilovolt line.

In that case, one investigator allegedly befriended landowners and obtained the telephone number and access code to a conference call between landowners and their attorneys. Stenbeck represents landowners who oppose the MATL line and the 500-kilovolt line because they fear the lines will interfere with farming and possibly lead to ill health effects.

The conference call included talks between those two groups, he said.

"Our contention is that parallel concerns exist in the perception of bias and potential difficulties with the 500-kilovolt line as exist in the upcoming hearings for the MATL line," Stenbeck said in a statement issued to the media.

Stenbeck said in an interview that he thinks the EUB should replace the three panel members scheduled to hear the MATL case with "completely fresh" board members.

"If they can do that by Oct. 16, we'll be ready to go," he said.

Stenbeck said he thinks that EUB members having access to the confidential attorney-client communications on the transmission lines raises several concerns that need to be addressed before the MATL proceeding begins, including:

- EUB officials may now be biased against the landowners because of their frank talk during the conference call; and
- EUB officials who are adjudicating the MATL case may later be a party to litigation involving the alleged spying.

EUB spokesman Bob Curran said the agency appreciates the concerns but the hearings will proceed as planned. However, time will be set aside before the hearings begin to address concerns, if any are raised.

"We can actually address the issue before we get into the review of the applications," Curran said. "That way, all the parties there have an opportunity to speak to the issue."